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## **MINUTES OF COUNCIL REGULAR MEETING – MARCH 4, 2008**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 4, 2008, AT 6:33 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

### **THE FOLLOWING MEMBERS WERE PRESENT:**

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

### **STAFF PRESENT:**

Paul Isaac, Assistant City Manager  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
Kevin Astill, Parks and Recreation Director  
Richard Catten, City Attorney  
Jim Welch, Finance Director  
Layne Morris, Community Preservation Director  
Joseph Moore, CED Director  
Buzz Nielsen, Police Chief  
Jake Arslanian, Public Works Department

### **13957 OPENING CEREMONY**

The Opening Ceremony was conducted by Carolynn Burt who read three quotes by John Adams.

### **13958 SCOUTS**

Mayor Nordfelt welcomed Scout Troop Nos. 441 and 144 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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13959      **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 19, 2008**

The Council read and considered the Minutes of the Regular Meeting held February 19, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held February 19, 2008, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

13960      **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise discussed the City's new recycling program. He stated he was on a limited income and did not have that much garbage to set out and the new program was not fair to seniors. He discussed the property tax increase and suggested the City enforce laws and get revenues from fines. He stated nothing had happened since the tax increase. Mr. Wise stated he had been given a citation for a park strip and yet people down the street were parking vehicles in their yard instead of the driveway and not cited. Mr. Wise discussed building code violations in his neighborhood and lack of response from the City. He also related other code violation issues in his neighborhood that had not been cited. He stated speeding was also an issue, but police did not respond if there was not a crime. Mr. Wise stated his area was getting ready to file a lawsuit against the City because nothing was being done. He stated there were "illegals" selling food from carts in the area, there were five families living in the house across the street from him, and they had license plates on their vehicles from Mexico. He indicated police had not responded to calls and he and his neighbors would file lawsuits if needed. Mr. Wise also advised he was

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part of a neighborhood watch and he knew what was going on in his neighborhood. He stated his neighborhood was becoming unsafe for his neighbors and their children.

Mayor Nordfelt encouraged Mr. Wise to contact City Manager, Wayne Pyle, to further discuss his concerns.

Hillary Langford, 6978 West 3100 South, addressed the City Council. Ms. Langford stated she represented many of her neighbors and some were in attendance at the meeting. She stated they were all looking for help with traffic issues in their neighborhood located between 5600 West and 7200 West on 3100 South. She expressed concern with speeding and the volume of traffic on the road. She indicated she had been working with the City's traffic engineer and had turned in a request for a traffic study, which noted a significant speeding problem in the area. She also stated there were two elementary schools on 3100 South, the speed limit was posted at 25 mph, and there were bullet bikes and other vehicles racing along that street. She expressed the danger in pulling in and out of the driveways due to speeding cars. She also stated hundreds of children resided in the area and many more attended the elementary schools on 3100 South. Ms. Langford indicated many residents hesitated to allow their children to play in front yards as it was too dangerous. She advised there had been several recommendations made in the traffic study including speed bumps, stop signs, speed monitor signs, and others. She indicated that over the last few years their street had become an alternate route to 3500 South Street. She expressed recognition for the need to move traffic east and west and that there had been a huge increase in traffic due to a new neighborhood near 5600 West. Ms. Langford suggested the closure of 3100 South between 5600 and 5800 West as that could decrease some of the traffic and speeding. She expressed her love for the area and stated she did not want to move.

Mayor Nordfelt requested those in attendance to indicate by raise of hands if they lived in the above-described neighborhood.

Councilmember Vincent expressed recognition that a problem existed in the area and he inquired if a raised crossing could be constructed in the Hunter Village and Sugar Plum Subdivision to denote a trail.

City Manager, Wayne Pyle, stated Ms. Langford had followed all the steps regarding her request, but the issue remained one of funding.

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Councilmember Winder suggested a prioritization schedule for areas with speeding issues similar to that developed for sidewalks. City Manager, Wayne Pyle, advised that was, in fact, the procedure and already being done, with staff evaluating the requests in the order of being received.

Michael Hardskeely, 4433 Trinity Avenue, addressed the City Council. Mr. Hardskeely discussed gang violence in West Valley City. He also discussed a fight that occurred earlier in the week and how it was not safe for children to walk home from schools. He stated everyone in his neighborhood had called the police to get things under control and it was getting worse every day. He stated there were too many shootings and stabbings and the police did not come when called. Mr. Hardskeely stated he and his friends worried about being shot when they walked home from school. He stated his mother wanted to file a lawsuit against the neighborhood watch group because they would not do anything about the problems.

13961      **PUBLIC HEARING, APPLICATION NO. Z-1-2008, FILED BY GARY NIELSON, REQUESTING TO AMEND THE ZONING MAP FROM ZONE ‘R-1-4’ (SINGLE-FAMILY, MINIMUM LOT SIZE 4,000 SQ. FT.) TO ZONE ‘C-2’ (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 1751 WEST 3100 SOUTH**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled March 4, 2008, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. Z-1-2008, filed by Gary Nielson, requesting to amend the Zoning Map from zone ‘R-1-4’ (Single-Family, Minimum Lot Size 4,000 sq. ft.) to zone ‘C-2’ (General Commercial) for property located at approximately 1751 West 3100 South. He discussed proposed Ordinance No. 08-15 and proposed Resolution No. 08-85 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-15 which would amend the Zoning Map to show change of zone for property located at approximately 1751 West 3100 South from zone ‘R-1-4’ (Single-Family Residential Minimum Lot Size 4,000 sq. ft.) to ‘C-2’ (General Commercial) zone.

Mr. Pyle stated surrounding zones included ‘RMH’ (Residential, Mobile Homes) to the north, ‘C-2’ (General Commercial) to the east, ‘C-2’ and ‘RMH’ to the south, and ‘A’ (Agriculture) and ‘RMH’ to the west. He indicated surrounding land uses included the American Heritage Mobile Home Park to the north, single-family homes and the Redwood Village Mobile Home Park to the west and south,

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and an abandoned single-family home and mobile home to the east. He stated the subject property had been designated as Medium Density Residential, which allowed six to 10 units per acre in the West Valley City General Plan. He indicated the Plan also called for general commercial uses to the east.

The City Manager reported the subject property had been re-zoned from 'A' (Agriculture) to 'R-1-4' last year. The proposal at that point had been for three single-family home lots. A development agreement had been approved in conjunction with the re-zone. The latest proposal was for a 17 room assisted living facility. A concept plan had been distributed to the City Council. He stated also provided to the Council was a memo from the applicant addressed to Planning and Zoning that explained the rationale behind the application, described the proposed use, and included pictures of the proposed use.

Mr. Pyle stated since the proposed use as assisted living was a relatively low impact use, staff recommended a development agreement be approved in conjunction with the re-zone that would limit the use to an assisted living facility. He indicated the development agreement should also address building design. He further stated, normally, the commercial design standards applied to new commercial uses, however, in this situation staff recommended the multi-family residential design standards be used for the building design review.

City Manager, Wayne Pyle, presented proposed Resolution No. 08-85 which would authorize the City to enter into a Development Agreement with Reunion Village, LLC, with its managing member being B & G Partners, LLC, for approximately 0.49 acres of real property being developed in the vicinity of 1751 West 3100 South.

Mr. Pyle stated the applicant had requested to change the 0.49 acres of property from 'R-1-4' (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.) to 'C-2' (General Commercial). He further stated the proposed use for the property would be an assisted living facility. He indicated the Planning Commission recommended approval of the re-zone subject to a development agreement.

The City Manager reported and discussed terms of the Development Agreement as follows:

1. The use of the property shall be limited to an assisted living facility.
2. The architectural requirements of the multi-family design standards found in Sections 7-14-305, 7-14-307, 7-14-308, 7-14-

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309, 7-14-310, 7-14-311, and 7-14-312 of the Zoning Ordinance shall apply to the building.

Mayor Nordfelt opened the public hearing.

Gary Nielson, applicant, 295 Eagle Ridge Drive, North Salt Lake, addressed the City Council. Mr. Nielson discussed background regarding the property and proposed development. He expressed desire to construct an assisted living facility on the property. He stated he had worked with Beehive Homes and the facility would be one of their franchises. He indicated it would be a nice, quality, and controlled environment for individuals who were unable to live on their own. He also discussed a development schedule and expressed the desire to finalize the required zoning to complete the process. Mr. Nielson referred to the second action on the agenda, which was the resolution and development agreement; and pointed out some information was in error as the Reunion Village was not a partner in the agreement. (Upon review, the City Manager noted the agreement language was correct, therefore, the title of the resolution should be amended.) Mr. Nielson further discussed details regarding the proposed facility including landscaping and fencing. He answered questions from members of the City Council regarding number of residents to reside at the facility, staffing levels, services provided, and outdoor amenities.

Mayor Nordfelt stated, upon review of the site plan, he would recommend consideration be given to placing the building closer to the street with parking in the rear, if possible. Mayor Nordfelt inquired if enough parking spaces had been planned for the facility. CED Director, Joseph Moore, advised staff would work with the applicant regarding the suggestion.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

**ACTION: ORDINANCE NO. 08-15, AMENDING THE ZONING MAP TO SHOW CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 1751 WEST 3100 SOUTH FROM ZONE ‘R-1-4’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 4,000 SQ. FT.) TO ‘C-2’ (GENERAL COMMERCIAL) ZONE**

The City Council previously held a public hearing regarding Application No. Z-1-2008, filed by Gary Nielson, and proposed Ordinance No. 08-15 which would amend the Zoning Map to show change of zone for property located at approximately 1751 West 3100 South from zone ‘R-1-4’ (Single-Family

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Residential, Minimum Lot Size 4,000 sq. ft.) to 'C-2' (General Commercial) zone.

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-15, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Approximately 1751 West 3100 South from Zone 'R-1-4' (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.) to 'C-2' (General Commercial). Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

**ACTION: RESOLUTION NO. 08-85, AUTHORIZE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH REUNION VILLAGE, LLC, WITH ITS MANAGING MEMBER BEING B & G PARTNERS, LLC, FOR APPROXIMATELY 0.49 ACRES OF REAL PROPERTY BEING DEVELOPED IN THE VICINITY OF 1751 WEST 3100 SOUTH**

The City Council previously approved Application No. Z-1-2008, filed by Gary Nielson, and Ordinance No. 08-15 amending the Zoning Map to show a change of zone for property located at approximately 1751 West 3100 South from zone 'R-1-4' (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.) to 'C-2' (General Commercial) zone.

After discussion, Councilmember Winder moved to approve Resolution No. 08-85, with correction to the title of the Resolution to read as follows: A Resolution Authorizing the City to Enter Into a Development Agreement with B & G Partners, LLC for Approximately 0.49 Acres of Real Property Being Developed in the Vicinity of 1751 West 3100 South; and add #3 to Exhibit B to require outdoor amenities such as a patio area with picnic tables, etc. for enjoyment of residents. Councilmember Burt seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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**RESOLUTION NO. 08-86, AUTHORIZE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE LEASE FOR FLEET TRUCK VEHICLES, WASTE RECEPTACLES, ONE AMBULANCE AND ONE FIRE TRUCK FOR THE CITY; AUTHORIZE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZE THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-86 which would authorize execution and delivery of a Lease-Purchase Agreement and related documents in the amount of \$2,227,000.00 with respect to the lease for fleet truck vehicles, waste receptacles, one ambulance and one fire truck for the City; authorize execution and delivery of documents required in connection therewith; and authorize the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

Mr. Pyle stated the City needed to acquire new heavy-duty trucks, a fire truck, an ambulance and recycling containers. He further stated favorable terms had been negotiated with Wells Fargo Brokerage Services LLC to initiate a lease purchase transaction. He indicated terms of the leases would approximately the useful life of the assets acquired.

After discussion, Councilmember Brooks moved to approve Resolution No. 08-86, a Resolution of the Governing Body of West Valley City, Utah, Authorizing the Execution and Delivery of a Lease-Purchase Agreement and Related Documents with Respect to the Lease for Fleet Truck Vehicles, Waste Receptacles, One Ambulance and One Fire Truck for the City; Authorizing the Execution and Delivery of Documents Required in Connection Therewith; and Authorizing the Taking of All Other Actions Necessary to the Consummation of

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the Transactions Contemplated by this Resolution. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 4, 2008, WAS ADJOURNED AT 7:23 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held March 4, 2008.

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Sheri McKendrick, MMC  
City Recorder

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